

**LIST OF AMENDMENTS TO THE CALIFORNIA RULES OF COURT
AND STANDARDS OF JUDICIAL ADMINISTRATION**

Adopted by the Judicial Council of California

Effective September 1, 2003, and July 1, 2005

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Rule 855. Judicial Council Jury Instructions

- (a) [Purpose]** The California jury instructions approved by the Judicial Council are the official instructions for use in the state of California. The goal of these instructions is to improve the quality of jury decision making by providing standardized instructions that accurately state the law in a way that is understandable to the average juror.
- (b) [Accuracy]** The Judicial Council endorses these instructions for use and makes every effort to ensure that they accurately state existing law. The articulation and interpretation of California law, however, remains within the purview of the Legislature and the courts of review.
- (c) [Public access]** The Administrative Office of the Courts must provide copies and updates of the approved jury instructions to the public on its Web site. The Administrative Office of the Courts may contract with an official publisher to publish the instructions in both paper and electronic formats.
- (d) [Updating and amendments]** The Judicial Council instructions will be regularly updated and maintained through its advisory committees on jury instructions. Amendments to these instructions will be circulated for public comment before publication. Trial judges and attorneys may submit for the advisory committees' consideration suggestions for improving or modifying these instructions or creating new instructions, with an explanation of why the change is proposed. Suggestions should be sent to the Administrative Office of the Courts, Office of the General Counsel.
- (e) [Use of instructions]** Use of the Judicial Council instructions is strongly encouraged. If the latest edition of the civil jury instructions approved by the Judicial Council contains an instruction applicable to a case and the trial judge determines that the jury should be instructed on the subject, it is recommended that the judge use the Judicial Council instruction unless he or she finds that a different instruction would more accurately state the law and be understood by jurors. Whenever the latest edition of the Judicial Council civil jury instructions does not contain an instruction on a subject on which the trial judge determines that the jury should be instructed, or when a Judicial Council instruction cannot be modified to submit the issue properly, the instruction given on that subject should be accurate, brief, understandable, impartial, and free from argument.

Rule 855 adopted effective September 1, 2003.

Rule 6.13. Rules and Projects Committee

- (a) **[Oversight of advisory committees]** The Rules and Projects Committee shall review the annual work plan of each advisory committee and task force to assess project priorities and timelines and to ensure that it is consistent with the general and any annual charges to that committee or task force and with the council's policies and priorities. The committee's approval of a work plan permits the advisory committee or task force to implement the work plan, subject to available resources.
- (b) **[Recommendations]** The committee shall recommend to the Executive and Planning Committee whether each proposal for new or amended rules, standards, or forms should be on the council's consent or discussion agenda and how much time should be allocated for discussion. It also shall recommend to the council whether such a proposal should be approved and, when appropriate, identify issues for discussion. If the committee recommends against approval, it shall state the reasons for doing so.
- (c) **[Rules, standards, and forms]** The committee shall establish and maintain a rule-making process that is understandable and accessible to the public. It shall assist the council in making informed decisions about rules of court administration, practice, and procedure by:

 - (1) Identifying the need for new rules, standards, and forms;
 - (2) Reviewing proposals for rules, standards, and forms and circulating them for public comment in accordance with the committee's procedures and guidelines;
 - (3) Establishing and publishing procedures that solicit and consider relevant input from the public for the proposal and adoption of rules, standards, and forms;
 - (4) Providing guidelines for the style and format of rules and ensuring that each proposal presented to the council is consistent with the guidelines;
 - (5) Ensuring that proposals for new or amended rules, standards, and forms do not conflict with statutes or other rules;
 - (6) Recommending whether the council should approve, modify, or reject each proposal; and

- (7) Initiating circulating orders to allow the council to adopt rules, standards, and forms between council meetings if necessary.

(d) [Jury instructions] The committee shall establish and maintain a process for obtaining public comment on the jury instructions approved by the Judicial Council, and shall assist the council in making informed decisions about jury instructions by making recommendations to the council on whether to approve proposed new or modified instructions submitted by the advisory committees on jury instructions.

(Subd (d) adopted effective September 1, 2003.)

Rule 6.13 amended effective September 1, 2003; adopted effective January 1, 1999.

Rule 6.58 Advisory Committee on Civil Jury Instructions

- (a) [Area of focus]** The Advisory Committee on Civil Jury Instructions regularly reviews case law and statutes affecting jury instructions and makes recommendations to the Judicial Council for updating, amending, and adding topics to the council's civil jury instructions.
- (b) [Membership]** The committee must include at least one member from each of the following categories, and a majority of the members must be judges:
- (1) Appellate court justice;
 - (2) Trial court judge;
 - (3) Lawyer whose primary area of practice is civil law; and
 - (4) Law professor whose primary area of expertise is civil law.

Rule 6.58 adopted effective September 1, 2003.

Sec. 5. Use of ~~California Jury Instructions—Civil (BAJI)~~ and California Jury Instructions—Criminal (CALJIC)

Whenever the latest edition of ~~California Jury Instructions—Civil (BAJI)~~ or California Jury Instructions—Criminal (CALJIC) contains an instruction applicable to a case and the trial judge determines that the jury should be instructed on the subject, it is recommended that the judge use the ~~BAJI~~ or CALJIC instruction unless he or she finds that a different instruction would more adequately, accurately, ~~or~~ and clearly state the law. Whenever the latest edition of ~~BAJI~~ or CALJIC does not contain an instruction on a subject upon which the trial judge determines that the jury should be instructed, or when a ~~BAJI~~ or CALJIC instruction cannot be modified to submit the issue properly, the instruction given on that subject should be simple accurate, brief, understandable, impartial, and free from argument. When an instruction requested by a party is a modified ~~BAJI~~ or CALJIC instruction, the party should indicate therein, by use of parentheses or other appropriate means, the respect in which it is modified. A trial judge in considering instructions to the jury shall give no less consideration to those submitted by the attorneys for the respective parties than to those contained in the latest edition of ~~California Jury Instructions—Civil (BAJI)~~ or California Jury Instructions—Criminal (CALJIC).

Sec. 5 amended effective September 1, 2003; previously amended effective January 1, 1971 and, January 1, 1970; adopted effective July 1, 1969.

Rule 6.59 Advisory Committee on Criminal Jury Instructions

- (a) **[Area of focus]** The committee regularly reviews case law and statutes affecting jury instructions and makes recommendations to the Judicial Council for updating, amending, and adding topics to the council's criminal jury instructions.
- (b) **[Membership]** The committee must include at least one member from each of the following categories, and a majority of the members must be judges:
- (1) Appellate court justice;
 - (2) Trial court judge;
 - (3) Lawyer whose primary area of practice is criminal defense;
 - (4) Deputy district attorney or other attorney who represents the People of the State of California in criminal matters; and
 - (5) Law professor whose primary area of expertise is criminal law.

Rule 6.59 adopted effective July 1, 2005.